

# Statement of Case

Minerals Planning Application  
LA10/2017/1249/F | PAC Ref: C005

Curraghinalt Project

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October 2024

**Turley**



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**Client**

Dalradian Resources Limited

**Our reference**

DALB3001

18 October 2024

## Executive Summary

1. Minerals are important natural resources that are essential to support sustainable economic growth and quality of life. From time to time minerals may be discovered which are particularly valuable to the economy. The polymetallic mineral deposit at Curraghinalt includes high grade gold, silver and large quantities of copper. In addition, the ore body also includes tellurium, recognised as a critical by the UK government.
2. The responsible, regulated exploitation of the safeguarded valuable mineral resource at Curraghinalt will bring very substantial economic benefits to Northern Ireland, with investment on a scale rarely seen in the region, and because of this scale, it will be strongly felt locally and make a large and lasting contribution to the aspirations of both the NI Assembly and local government.
3. The Curraghinalt project has been designed as a modern mine, with interests of acknowledged planning importance in mind, from the outset when selecting a surface infrastructure site away from the most sensitive parts of the AONB and since. The proposals include:
  - progressive restoration of the DSF, decommissioning and a financial guarantee for closure;
  - a state of the art reverse osmosis water treatment plant to ensure that mine water is treated to an appropriately protective standard and a betterment plan, involving the cessation of farming of land under the applicant's control, to deliver a material improvement to the water environment baseline;
  - a wide-ranging ecological management and mitigation plan;
  - a suite of plans to protect the community against amenity issues;
  - a commitment to carbon neutrality.
4. Over thirty years ago the Omagh Area Plan specifically acknowledged the presence of the resource and the potential for commercial gold mining. The Council's new Plan Strategy supports the principle of valuable minerals extraction within the AONB subject to demonstrating no unacceptable adverse impacts on interests of acknowledged importance, as is the case with this project.
5. Having clearly defined the limited localised residual impacts of the project, taking account of the very substantial benefits, the range of mitigation, compensation and betterment measures planned and the availability of a comprehensive range of controls and environmental parameters across multiple consenting regimes that are protective of the environment and communities, it is concluded that, overall, the project is in accordance with the local development plan.
6. It is respectfully requested that planning permission should be granted.

# 1. Introduction & Background

## Introduction

- 1.1 This Statement of Case (SoC) has been prepared on behalf of Dalradian in relation to a regionally significant planning application which was submitted to the Department for Infrastructure (DfI) in November 2017 (PAC Ref: C005).
- 1.2 The SoC has been prepared by Michael Gordon BSc DiP TP PhD. Michael is a Chartered Town Planner and Senior Director at Turley, with over 25 years of experience of the Northern Ireland planning system. Turley was engaged by Dalradian in 2015.
- 1.3 A chronology of the main events in the planning process to date is at Appendix 1.
- 1.4 Full planning permission is sought for the underground mining of valuable minerals, surface level processing facilities and a dry stack facility for waste arising. The full planning description of the project is set out at Appendix 2. A schedule of the planning drawings, including details of amended drawings (separately bound) and the reasons for the changes, is at Appendix 3. A schedule of the information associated with the planning application is at Appendix 4.

## Purpose of this Statement

- 1.5 The case for the applicant consists of this SoC incorporating Technical Reports (TRs), the Environmental Statement (ES, November 2017), ES Addendum (July 2019) and ES Second Addendum (November 2020), clarifications submitted in early 2021 (Appendix 5) and the other planning application reports.
- 1.6 The TRs prepared by the various experts who have contributed to the preparation of the ES and the ES Addenda are provided (separately bound) alongside this SoC.
- 1.7 This SoC incorporating the following TRs addresses issues identified by the objectors<sup>1</sup> and, where appropriate, matters raised by statutory and non-statutory consultees:
  - TR1: Project Overview
  - TR2: Societal Value of Minerals
  - TR3: Carbon Neutrality
  - TR4: Closure
  - TR5: Economic Benefits
  - TR6: Ecology

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<sup>1</sup> To date there have been c.27,000 objections and 4,000 letters of support in relation to the planning application.

- TR7: Peat Management
- TR8: Lighting
- TR9: Surface Water
- TR10: Ground Water
- TR11: Noise
- TR12: Air Quality
- TR13: Landscape & Visual
- TR14: Socio-Economics
- TR15: Cultural Heritage
- TR16: NORM & Radon
- TR17: Subsidence
- TR18: Seismicity
- TR19: Health
- TR20: Traffic
- TR21: Geochemistry
- TR22: Mine Waste Management

1.8 Consultation responses received in response to the ES are at Appendix D1 of the ES Addendum. Consultation responses received in response to the ES Addendum are at Appendix D1 of the ES Second Addendum. An overall summary of the position reached to date with consultees is at Appendix 6.

1.9 Submissions made to HSE(NI) in June 2022 about the gradient of the mine decline are at Appendix 7.

1.10 Planning and other issues raised in objections which are not addressed in the main body of this SoC or the TRs are addressed in Appendix 8.

### **Other Consents & Permits**

1.11 A schedule of the other consents and permits associated with the project is at Appendix 9.

1.12 As a result of changes effected in August 2019, including, but not limited to, the removal of cyanide from processing, applications for PPC and HSC were withdrawn in September 2019.

**Road Abandonment Application (PAC Ref: DR001)**

- 1.13 The matter of Abandonment of a public road (an area of 6,170 square metres of road at Crockanboy Road, Greencastle, Co. Tyrone, from a point 300 metres northwest of its junction with Mullydoo Road extending for a distance of 1118.5 metres in a westerly direction) is addressed in other statements.

**LA10/2019/1386/F - NIE Networks (PAC Ref: C006) & LA11/2019/1000/F - NIE Networks (NIEN; PAC Ref: C007)**

- 1.14 NIEN's planning applications for a 33kv power supply to the mine from Strabane are addressed in other statements.

**TrC 080/20\_1 - DAERA (PAC Ref: 2021/WHR01)**

**TrC 081/20\_1 - DAERA (PAC Ref: 2021/WHR02)**

**AIL 2024/0008 - NIEA (PAC Ref: 2024/WHR01)**

**AIL 2024/0009 - NIEA (PAC Ref: 2024/WHR02)**

- 1.15 Dalradian's applications for discharge consent and abstraction/impoundment are considered in other statements.

## 2. Project Overview<sup>2</sup>

### Project Rationale

#### Minerals as important natural resources

- 2.1 Minerals are important natural resources that are essential to support sustainable economic growth and quality of life. It is vital that there is a sufficient supply of raw materials for manufacturing, construction, power generation, transportation, agriculture and other uses.
- 2.2 Aggregates, industrial minerals and high value metalliferous minerals can, by their nature, only be extracted where they occur. As they are finite resources - not renewed on a human timescale - it is important to make best use of them and to secure their long-term availability. 'Sustainable development' does not prevent us from using and capitalising on such resources.
- 2.3 Valuable minerals, such as gold, silver, lead and copper form a special class of mineral for planning purposes. These metalliferous minerals attract higher prices because they are much more restricted in their distribution, occurring only in certain geological settings, and more expensive to find and extract when compared to aggregate minerals. Because of their relatively high value, such minerals are often mined in one country and exported to global destinations. The data in TR2: Societal Value of Minerals indicates that recycling plays a part in meeting rising demand but it cannot meet market requirements for these metals.
- 2.4 Some minerals are defined as "critical". The UK government's Critical Minerals Strategy recognises that 'critical minerals' are not only vitally important but are also experiencing major risks to their security of supply. These risks can be caused by a combination of factors including rapid growth in demand, high concentration of supply chains in particular countries and high levels of price volatility. Many of these critical minerals are produced in comparatively small volumes or as companion metals (meaning they are produced as by-products of other mining activities).

#### The Curraghinalt Resource

- 2.5 Activity associated with the exploration of the Curraghinalt deposit has been ongoing since 1983. This led to the potential for commercial mining in the area being recognised in the Omagh Area Plan (para 17.2.5) which was adopted in 1992.
- 2.6 The polymetallic mineralisation (ore) at Curraghinalt includes high grade gold, silver and large quantities of copper. It is a high value, polymetallic resource. In addition to these valuable minerals, the ore body also includes tellurium, which is recognised as a critical mineral by the UK government. The value and applications of gold, silver, copper and tellurium are described in more detail in TR 2.
- 2.7 The mineralisation (ore) is found as a series of west-northwest trending veins that will be extracted using a variety of underground mining techniques. The deposit extends more than 1,200 m below surface. The horizontal extent or strike length of the deposit

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<sup>2</sup> See also TR1: Project Overview by SLR



is between 1,500 and 1,900 m. Mining will only occur inside the proposed mineral extraction area delineated in the planning application for the project to the depth of 700 m below ground level (approximately 440 m below sea level). Dalradian will also continue to explore the extent of the mineral resource at depth. Exploration is proposed around the underground mine within the exploration boundary and beneath the underground mine (up to 200 m below the 700 m below ground level extraction depth).

- 2.8 The depth and extent of underground exploration can be controlled by planning conditions. The requirement to submit a final version of the Mine Design Parameters Statement for approval prior to the commencement of underground works can be secured by condition. A Mine Development Plan indicating plans for the incoming year can be required for approval on an annual basis, alongside the submission of a survey of mine development which has taken place to ensure that the development is being carried out in accordance with the agreed Mine Design Parameters Statement. Further details of the controls which can be placed on the development of the mine are set out within Section 11 of the Project Overview TR1.
- 2.9 As noted above, full planning permission is sought for the underground mining of valuable minerals, as set out in the description of development on the P1 planning form. The minerals are co-located within the mineralised ore. The Environmental Impact Assessment (EIA) has assessed the environmental impacts of the extraction of the polymetallic ore body.

### Project Design

- 2.10 Dalradian plans a well-designed, modern mine. The project Design & Access Statement (DAS) set out a set of key design principles/objectives, based upon interests of acknowledged planning importance, which have informed the evolution of the design.

**Table 2.1: Design & Access Statement Design Principles**

| #  | Design Principles   |
|----|---|
| P1 | Development within the countryside should be designed, sited and landscaped to a high standard to integrate with its surroundings |
| P2 | Regard should be had to the visual implications of mineral extraction and operations to minimise impact                           |
| P3 | Development should protect and conserve natural and built heritage of value   |
| P4 | Development should have regard to the safety and amenity of those close to mineral workings                                       |
| P5 | Development should provide for safe and appropriate movement, adequate access and parking/servicing facilities                    |
| P6 | Flood risk to people, property and the environment should be minimised and managed  |
| P7 | Mineral workings should be satisfactorily restored at the earliest opportunity  |

2.11 The DAS sets out a design response to each of the design principles. Some of the most important design decisions have been:

- Underground, not open cast, mining;
- Dry stack, rather than wet tailings;
- The location of the surface infrastructure site.

2.12 The project design has evolved during the planning and EIA processes in response to public feedback and consultee responses.

#### **2019 FEI**

2.13 Following the 2017 planning application, Dalradian reviewed the project design, taking into account of feedback received during the planning application process, which resulted in a number of revisions to the detailed project description assessed in the Environmental Statement (ES).

2.14 In summary these were:

- First-stage crushing of the ore moved underground;
- Addition of ore-sorting equipment underground;
- Use of conveyor belts instead of trucks as the primary method to move materials from underground to surface;
- Simplified ore processing to yield a partially refined product for further processing off site and out of Northern Ireland, eliminating the use of cyanide and smelting on-site;
- Further optimisation of the mine; and
- The project will be carbon-neutral over its lifetime.

#### **2020 FEI**

2.15 Further feedback from consultees resulted in modifications to the DSF to refine its shape to blend with surrounding landforms, improve drainage and provide more detail on its engineered cover design. In 2020, further minor changes were also made to:

- The site access roads and associated junctions;
- The dimensions of the Northern Ireland Electricity Networks (NIE) electrical substation; and
- The route of the powerline and the associated assessment information.

#### **Existing Site**

2.16 The Condition 41 of planning permission K/2014/0246/F for (non-EIA) development at the existing site at Camcosy Road requires decommissioning/restoration to have been completed within 3 years of its commencement, unless otherwise agreed.

- 2.17 Decommissioning and restoration commenced in April 2018 with work on the waste rock storage area which is now restored. No further decommissioning/restoration works have been undertaken as the main mine application seeks planning permission to retain the infrastructure in association with future mining activity without compliance with planning conditions on the basis that if planning permission is granted for that development, new decommissioning and restoration conditions will be attached to that planning permission.
- 2.18 In the period since April 2021 at which point the existing site became unauthorised, following an earlier Section 54 application and the withdrawal of an associated planning appeal, two new Section 54 applications were submitted to FODC on 18<sup>th</sup> May 2023 seeking retention of the existing infrastructure until the end of October 2025. The baseline for the EIA is a restored existing site – see for example the LUC landscape and visual impact assessment at Appendix 2 of FEI2 (July 2019), Appendix C16. A chronology with further details of the existing site is at Appendix 10.

### **Alternatives**

- 2.19 The design and rationale for the project has evolved following careful consideration of alternatives. Chapter 5 of the ES outlines the main alternatives considered in the design of the project and identifies the reasons for the final selection. These alternatives included process alternatives, alternative methods of mine waste disposal, alternative sites for infrastructure, alternative power and water sources and the main road transport alternatives. Project design evolution up to the point of submission is also set out in Section 4 of the DAS.
- 2.20 ES Figure 5-1 sets out details of sites considered for the portal, process plant and the mine waste storage facility. ES Table 5-2: provides reasons for rejection of the TSF sites identified in 2011. ES Table 5-3: contains reasons for rejection of the TSF sites identified in 2015 (TSF Sites 1 to 9). The rationale set out for rejection is principally expressed in terms of judgements in relation to interests of acknowledged planning importance. The FODC Plan Strategy designations relative to the application site and these alternatives is provided at Appendix 11.3.

### **Climate Change & Net Zero Commitment**

- 2.21 Since 2019, as part of its commitment to the environment, Dalradian has worked with leading sustainability and climate change solutions provider Carbon Footprint Ltd to achieve 'Carbon Neutral PAS2060' certification for its existing operations.
- 2.22 This standard has been achieved by reducing emissions at source through implementation of a Carbon Management Plan, purchasing 100% renewable electricity, and addressing 'unavoidable' residual emissions by funding a high-quality international carbon offset project and tree planting in primary and secondary schools across Northern Ireland.
- 2.23 In 2019, prior to achieving corporate carbon neutral status, Dalradian publicly committed to delivering the proposed Curraghinalt Project as a carbon neutral development across its full lifecycle. Further details are provided in Carbon Neutrality TR3, which includes a planning condition to secure carbon neutrality through the

submission of a Carbon Management Plan requiring an independently verified greenhouse gas (GHG) assessment confirming that sufficient offsets have been purchased to mitigate residual carbon emissions.

### **Operating Controls**

- 2.24 Dalradian is committed to responsibly and safely constructing, operating and decommissioning the proposed mine. This can be secured by way of controls secured through the various permissions, permits, consents and licences sought.

### **Management Plans**

- 2.25 Existing Management Plans for the mine application are as follows:

- Construction & Environmental Management Plan (CEMP), ES Appendix B2;
- Peat Management Plan (PMP), ES Appendix B4;
- Mine Design Parameter Statement (MDPS), ES Appendix B1;
- Mine Waste Management Plan (MWMP), ES Appendix B3;
- Environmental Emergency & Preparedness Response Protocol (EPRP), ES Appendix D6;
- Ecological Mitigation and Management Plan & associated Addendum (EcMMP), ES Appendix C9;
- Environmental & Social Management Plan (ESMP), ES Chapter 10;
- Surface Water & Groundwater Environmental Monitoring & Action Plan (SGEMAP), ES Appendix D2
- Travel Plan, ES Appendix B4;
- Conceptual Rehabilitation & Closure Plan (CRCP), ES Appendix B5.

- 2.26 Additional plans available within this submission are:

- Lighting Plans (Hoare Lee plans, bound separately)
- Betterment Plan (Appendix 13 to Ecology TR6)
- Employment, Training & Supply Chain Plan (Appended to Economic Benefits TR5)

### **Planning Conditions & Section 76 Agreement**

- 2.27 A Section 76 Planning Agreement will be required, in addition to planning conditions, to regulate the construction, operation and decommissioning of the development.
- 2.28 Draft Heads of Terms (HoT) for the Section 76 agreement are provided on a without prejudice basis at Appendix 12.

2.29 Planning conditions are anticipated to control:

- the duration, depth and extent of underground exploration and extraction,
- mine design parameters, development and monitoring;
- the size, management, maintenance and inspection/monitoring of the mine waste facilities ;
- operational safeguards and mitigation for amenity and environmental protection;

2.30 The following Plans, which have not yet been submitted, are identified, as appropriate, in subsequent sections of this SoC and in the relevant TRs and are expected to be secured by condition. Their principles have been included in the ES assessment:

- Dust Management Plan
- Noise Management Plan
- Water Management Plan

2.31 In addition, commitments to/requirements for the following are expected to be secured by way of planning condition:

- Vibration monitoring
- Micro-seismicity monitoring
- Programme of archaeological work
- Carbon management

2.32 Comments on the Department's suggested without prejudice draft conditions will be provided in Rebuttal Statements.

#### **Financial Guarantee**

2.33 Regulation 8 of the Mine Waste Regulations requires that there is a financial guarantee in place for the closure of the mine waste facility prior to commencement of mine waste management operations. Regulations 9(1)(e) and (f) require that the planning authority ensures that there are suitable arrangements in place for closure of the facility and Regulation 15 requires the planning authority to determine the quantum and form of financial guarantee.

2.34 An estimate of the costs of closure of the mine, including the mine waste disposal facilities, was given in Appendix A of the Conceptual Rehabilitation and Closure Plan (ES Appendix B5). An updated estimate is provided in the Closure TR 4. The HoT cover the mechanism to secure a rehabilitation and closure bond sufficient to meet the obligations and a mechanism for its review.

### 3. Planning Policy Framework

- 3.1 Section 6(4) of the Planning Act (NI) 2011 (“the 2011 Act”) requires that the determination of planning applications must have regard to the local development plan (LDP) and the determination made in accordance with the plan, unless material considerations indicate otherwise. Section 45(1) of the 2011 Act requires that the planning authority must have regard to the LDP, so far as material to the application, and to any other material considerations.
- 3.2 Determining whether a planning application is in accordance with a plan, and the LDP’s materiality to a planning application, involves a consideration of the plan as a whole and requires planning judgement to be exercised.

#### **Policy Context**

##### **Regional Policy**

- 3.3 The provisions of the Strategic Planning Policy Statement (“the SPPS”) are material to all decisions on planning applications and appeals. Paragraph 1.11 states that:

*“Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.”*

- 3.4 Paragraph 3.8 sets out a presumption in favour of sustainable development:

*“Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.”*

- 3.5 Other relevant sections of the SPPS are set out in paragraphs 5.29 to 5.48 of the Planning Statement.
- 3.6 The Regional Development Strategy 2035 (RDS) is a material consideration (see paragraphs 5.18 to 5.24 of the Planning Statement).

##### **The Statutory Local Development Plans**

- 3.7 FODC adopted its Local Development Plan (LDP) Plan Strategy on 16 March 2023 in accordance with section 12 of the Planning Act (Northern Ireland) 2011 and regulation 24 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. It is a statutory Development Plan Document (DPD) for the purposes of the 2011 Act.
- 3.8 The Omagh Area Plan 1987-2002, having been adopted by the Department in 1992 is a Departmental Development Plan (DDP) for the purposes of the 2011 Act.

3.9 Appendix 8 of the Plan Strategy explains the relationship between existing designations in the Fermanagh Area Plan 2007 (FAP) and the Omagh Area Plan 2002 (OAP) and proposed designations in the Plan Strategy. Table 1 sets out the relationship between the Plan Strategy and Existing Area Plans prior to the adoption of the Local Policies Plan (LPP):

- Settlement Limits remain unchanged;
- For the purposes of Plan Strategy Policy MIN01 the Area of Constraint on Mineral Development (ACMD) is shown on the Proposals Map (although not stated in the Plan Strategy, this is new beyond the FAP);
- For the purposes of Plan Strategy Policy HE01 Creggandevesky and Beaghmore Areas of Significant Archaeological Interest (ASAI) are new and are shown on the Proposals Map;
- For the purposes of Plan Strategy Policy L01 the Sperrin Area of Outstanding Natural Beauty (AONB) is shown on the Proposals Map;
- For the purposes of Plan Strategy Policy L02 Special Countryside Areas (SCAs) are shown on the Proposals Map (although not stated in the Plan Strategy, these are new except for 'The Islands' in the FAP);
- For the purposes of Plan Strategy Policy L03 Areas of High Scenic Value (AoHSV) are new designations and are shown on the Proposals Map;
- For the purposes of Plan Strategy Policy TR04 Protected Routes are shown on the proposals map, remaining unchanged.

3.10 Relevant Strategic Objectives of the Plan Strategy are:

- 2, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18 (see table 4.1 below).

3.11 The Plan contains an overarching Strategic Policy – SP01 – which sets out a similar approach to guide decision making as paragraph 3.8 of the SPPS.

3.12 Policy DE03 – Sustaining Rural Communities – states that planning permission will be granted for non-residential development in the countryside including minerals development in accordance with policies MIN01 to MIN04.

3.13 The Plan's strategy and policies for minerals developments is set out in on pages 122 to 128 of the Plan and in Policies MIN01 to MIN04,

3.14 Other policies from the Plan Strategy are:

- Policy DE01 – General Amenity Requirements;
- Policy DE02 – Design Quality;
- Policy DE04 - Integration and Design of Buildings in the Countryside;

- Policy DE05 – Rural Character;
- Policy DE06 – The Setting of Settlements;
- Policy TOU01 – Protection of Tourism Assets and Tourism Development;
- Policy MIN01 – Minerals Development;
- Policy MIN02 – Restoration and Aftercare;
- Policy HE01 – Archaeology;
- Policy NE01 - Nature Conservation;
- Policy NE02 – Protected Species and their Habitats;
- Policy NE03 – Other Habitats, Species or Features of Natural Heritage Importance;
- Policy L01 – Development within the Sperrin AONB;
- Policy FLD01 – Development in Floodplains;
- Policy FLD03 – Sustainable Urban Drainage Systems;
- Policy FLD05 – Artificial Modification of Watercourses;
- Policy TR01 – Land Use and Transport;
- Policy TR04 – Protected Routes;
- Policy PU02 - Overhead Electricity Lines (see separate Statement of Case);
- Policy PU04 – Development Relying on Non-Mains Sewerage.

3.15 The extent to which these policies are material to the determination of the planning application and the weight to be attached to them is discussed in Section 4.



## 4. Case for the Applicant

4.1 Paragraph 6.154 of the SPPS sets out the regional strategic objectives for minerals development are to:

- *facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment;*
- *minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage, and the water environment; and*
- *secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity.*

4.2 Paragraph 6.154 reiterates the requirement for a balancing of the need for mineral resources against the need to protect and conserve the environment.

4.3 FODC has now brought forward its Plan Strategy which includes a suite of minerals policies for the topic, which should be read in conjunction with the SPPS and RDS.<sup>3</sup> These are the plan's principal policies for the purposes of the determination of this planning application. They are, therefore, of particular weight and importance in determining accordance with the plan.

4.4 Paragraphs 4.73 to 4.75 sets out a context for and justification of the mineral policies. The plan's approach to this balance is set out at paragraph 4.75:

*Whilst the benefits of minerals to the economy are recognised, the extraction of minerals can affect communities and the environment. Therefore, the Council's approach is to promote the sustainable development of mineral resources in a way that protects the environment and communities, and at the same time supports sustainable economic growth. This means minimising and mitigating effects on communities; identifying and protecting sensitive environmental assets and landscapes from minerals development and ensuring sites are restored to a high standard and enhance the value of the wider environment. The Council also recognises that mineral resources are finite and those that are of economic or conservation value should be safeguarded to allow for future exploitation. When more robust evidence is made available, these areas will be identified at the Local Policies Plan stage.*

4.5 Policy MIN01 confirms *support for minerals development where it is demonstrated that they do not have an unacceptable adverse impact upon:*

- a) the natural environment;*
- b) the landscape and visual amenity;*

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<sup>3</sup> Plan Strategy para 1.4.

*c) the historic environment;*

*d) the water environment;*

*e) public safety, human health and amenity of people living or working nearby;*

*f) road safety and convenience of road users; and*

*g) In all cases, the cumulative effects of such proposals on a) to f) have been assessed for all minerals development regardless of whether those developments are classed as permitted or temporary development.*

*In considering a proposal for the extraction of valuable minerals including metalliferous minerals, where the site is within a designated area in the Local Development Plan, due weight will be given to the reason for the statutory zoning. There will be a presumption against all mineral development within designated Special Countryside Areas. Within Areas of Constraint on Mineral Development, there is a presumption against mineral development unless one or more of the following criteria can be met in addition to a) to g):*

*h) the proposal involves an extension to an existing minerals development;*

*or i) the minerals development will provide building materials that are substantially for the restoration and repair of built conservation interest in the local area;*

*j) the mineral is valuable; or*

*k) the mineral is of limited occurrence and there is no reasonable alternative source outside the ACMD; and*

*l) the development is for less than 15 years duration.*

4.6 The final part of the policy states that:

*All minerals development applications must include the proposed details of restoration and aftercare of the site in accordance with Policy MIN02. Applications for new and extended quarries within ACMDs must be accompanied by a landscape and visual impact assessment.*

4.7 Given the importance of this central policy within the suite of minerals policies on the topic of minerals, it is used as a framework for the consideration of the plan's other policies, referencing them as appropriate below. After working through MIN01, and the overarching SP01 Policy, a conclusion is drawn on how the application accords with the plan.

## **Need for/Value of the Mineral Resource & Project Benefits<sup>4</sup>**

- 4.8 The Context and Justification for the Plan Strategy minerals policies states that the benefits of minerals to the economy are recognised.
- 4.9 The preamble before MIN1 refers to account being taken of the value of the mineral to the economy. The geographic extent of the economy is undefined in the policy, however, it should be noted that the first bullet point in paragraph 6.155 of the SPPS (addressing LDP's) refers to meeting needs in the regional market area and 'beyond' and the reference to the nation's prosperity suggests that the analysis should not be limited to Northern Ireland.
- 4.10 TR2: The Societal Value of Curraghinalt's Metals describes the various applications of the gold, silver, copper and tellurium within the polymetallic resource, sets out an analysis of supply and demand for each of the minerals and provides a commentary on the societal need for the resources.

### **Gold**

- 4.11 Gold demand comes from diverse sources principally: jewellery; individual and institutional investors; Central Banks; and from technology-based users. Gold demand in 2023 was the highest on record at 4,899 tonnes. In 2023, total gold supply is estimated to have amounted to 4,898.8 tonnes. Commentators report that supply looks set to enter a period of spectacular decline over the longer term.
- 4.12 Curraghinalt is one of the highest-grade undeveloped gold deposits in the world, with an average grade of 13.59 g/t, about 7 to 10 times superior to the average grade of gold at mines around the world. After sorting and milling, the grade at Curraghinalt declines to about 11.4 g/t but this is still impressive, and the project would feature in the top ten undeveloped underground gold mines by grade globally. Curraghinalt's anticipated gold production, over its 20-to-25-year mine life, is 3,500,000 (3.5 million) ounces.
- 4.13 In addition to Curraghinalt's gold endowment, the Project also contains significant volumes of silver and copper as well as several 'strategic' and 'critical' elements such as tellurium. These metals all play important and positive roles in society's transition to a low carbon future. The Curraghinalt deposit has the potential to increase accessibility to these minerals for the United Kingdom and other parts of Western Europe.

### **Silver**

- 4.14 The Curraghinalt Project is expected to produce 1,721,000 (1.72 million) ounces of silver during its estimated life of mine. It is an important dimension of the Project's societal value, especially given the growing importance of silver in environmentally benign technologies. Silver also has wide applications in electronics, power generation and healthcare. This is in addition to its traditional uses in the fields of investment and jewellery.

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<sup>4</sup> See TR2: Societal Value of Curraghinalt Metals and TR5: Economic Benefits

4.15 In 2023 total silver demand stood at 1,195 million ounces, reflecting particularly strong demand from the industrial sector. 2023 supply is estimated at 1,009 million ounces. In both 2022 and 2023 the silver market suffered a significant deficit, caused by vehicle electrification, solar, the roll-out of 5G technologies and government support for green infrastructure.

#### **Copper**

4.16 World refined copper usage has more than tripled over the last fifty years. Copper products are central to the construction sector, electrical grids, electronic products, transport equipment and household appliances. Its properties make it central to electricity distribution, electronics and electronic products, which together represent about three-quarters of copper consumption. In all climate transition scenarios, copper is fundamental. Its availability in sufficient volumes is far from assured over various time horizons between now and 2050.

4.17 Demand for copper is projected by a variety of agencies to almost double from nearly 25,000,000 tonnes in 2021 to between 43,000,000 tonnes and 49,000,000 tonnes in 2035. New copper discoveries have fallen, as is the grade available. The Curraghinalt project's estimated contribution of 15,000 tonnes of copper is positive for society, given the metal's central role in the roadmap to Net Zero.

#### **Tellurium**

4.18 The Curraghinalt deposit of tellurium is of real economic significance as, leaving aside silver and copper, it is the critical or strategic mineral of greatest significance<sup>5</sup>. The most significant use for tellurium is in the rapidly expanding area of the manufacture of films essential to the efficient operation of photovoltaic solar cells. Moreover, it was ranked joint highest in terms of vulnerability in the British Geological Society (BGS) Criticality Assessment.

4.19 A study produced for the NI Department for the Economy by Dr Steve Hollis of the University of Edinburgh estimated the scale of Curraghinalt's endowment of tellurium as being some 37 tonnes (based on the 2016 reserve estimate, or 157 tonnes based on the 2018 resource estimate).

4.20 Based on the Curraghinalt feasibility study and 2016 resource estimate, annual production of tellurium could potentially amount to between 3 and 4 tonnes (assuming full recovery). The Curraghinalt deposit represents the most viable source for the UK securing a domestically mined supply of tellurium in the short to medium term (next 20 years) even if other deposits are discovered soon. The Gross Value Added (GVA) for the UK economy associated with key applications of tellurium amounts to £14,351 million.

4.21 "Need" for a mineral in planning terms is not defined narrowly or specifically in Policy MIN 1 as need for the end product of the mining process. "Need" for a mineral must also include need for the economic benefits generated by the extraction and sale of minerals to the local and Northern Ireland economies. Local and national policies put economic growth, regional balance and the creation of good jobs as a central concern

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<sup>5</sup> There are other critical minerals within the deposit, including antimony.

of government. Growth with job creation is established in policy as a means combating poverty and building successful communities.

4.22 This approach was confirmed by Commissioner McShane in her consideration of Creevy Quarry (2016/C004) paragraph 5.13:

*'I take the view that the need for the mineral must be broadly assessed. In doing this I take into account the need for the Applicant for the material, the needs of the minerals industry as well as the contribution to the NI and wider economy...'*

4.23 The substantial quantitative value of the project resource, as assessed by Quod, was set out in the ES in Chapter 8.13 and ES Appendix C13 and updated in the ES Addendum at 4.2.13 and ES Addendum Appendix C13.

4.24 Updated again for the Inquiry, to reflect changes in costs and gold, silver and copper prices, Quod's Economic Benefits TR5 Table 5.3 calculates total project:

- revenue of £5.5644 Billion;
- Direct Gross Value Added (GVA) of £3.959 Billion, rising to £5.006 Billion accounting for multiplier effects;
- 8,550 direct and 15,930 indirect person years of employment supported; and
- Total tax revenue of £1.199 Billion

4.25 Curraghinalt is precisely the type of project paragraph 6.157 of the SPPS was written for when it notes that from time to time minerals may be discovered which are particularly valuable to the economy<sup>6</sup>. The economic value of the project is considered further below.

4.26 Quod's Economic Benefits TR5 outlines in considerable detail how the responsible, regulated exploitation of the safeguarded valuable mineral resources is of particular value to the economy:

- (i) The Curraghinalt Project will bring significant economic benefits to Northern Ireland. The investment will be on a scale rarely seen in the region – and because of this scale, it will make a large and lasting contribution to the aspirations of both the NI Assembly and local government.
- (ii) It will bring private sector led rural growth, rebalance the economy, create jobs, support skills development and increase NI's international exports.
- (iii) There are few opportunities that will have the scale of positive effects that the Curraghinalt Project will. It is the largest single investment in NI in recent years. This is a rare opportunity for the NI economy, and a once in a generation opportunity for this community.

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<sup>6</sup> Paragraph 4.73 of the Plan Strategy recognises gold, silver and copper as valuable minerals.

- (iv) Local, Regional and national policy place great emphasis on economic growth, increasing employment and boosting exports. In the DfE's most recent Mission Statement, Minister Murphy highlighted the objective of creating 'good jobs' in the NI economy. DGL will create at least 350 operational jobs (and 270 temporary construction jobs) equating to 7.2% of the FODC's employment target for the next 20 years in a single project.
- (v) DGL will invest £224 million of private sector funds into the Curraghinalt Project during construction and a total of £270 million in capital investment over 20+ years of operation and decommissioning .
- (vi) It will reduce Northern Ireland's annual trade deficit by over £200 million - or 20%.
- (vii) The Project's average annual output will be equivalent to 130% of the output in the Agriculture, forestry and fishing sectors combined – and over quintuple their export value.
- (viii) It would equate to 0.35% of NI's total GVA – significant for one operation.
- (ix) A project of this scale and nature will help to combat some of the key economic challenges faced by the local and NI Regional economy: underemployment and economic inactivity, relatively poor skill levels and outmigration of young people are all challenges that will be greatly helped by a private sector investment of this type, with DGL's community commitments.
- (x) Economic inactivity is a particular local concern and underemployment of agricultural labour means that rural areas struggle to be as productive as they could. Farming in this area has limited opportunities for substantial increases in productivity or employment, so private sector investment in other sectors is essential to strengthen the rural economy. The government has stated its mission to drive economic growth and rise in living standards in all areas of the UK, and the scale of benefits delivered by the Curraghinalt Project will accelerate the area's economic growth and rise in living standards.
- (xi) The Project would have significant and positive benefits to address all these challenges - directly, through employment and output, and indirectly through the supply chain and employee expenditure. It would result in an increase in GDP, a regionally significant reduction in the trade deficit, at least 350 high value direct jobs and many more in the supply chain, a boost to the employment rate and spending power, additional corporate and income tax receipts, and royalty payments.
- (xii) DGL is proposing a range of activities that would further boost the already significant positive impacts of the Curraghinalt Project and mitigate the potential for adverse impacts. This will begin with the skills and supply chain strategies and will be complemented by the partnership with local college/s. DGL is also committed to continued corporate sponsorship

funding and a separate Community Fund which will allow the wider community to continue to benefit from the Project.

- (xiii) The benefits would be strongly felt within Owenkillev ward and FODC - and would be of a significant magnitude and reach to have Regional effects, especially with respect to GDP, exports and the trade deficit. Collectively, these impacts demonstrate that the Curraghinalt Project makes a large and lasting contribution to meeting Regional needs and core local and National policy objectives.

- 4.27 An Employment, Training & Supply Chain Plan, can be secured by way of planning condition to help secure the benefits associated with the project, particularly during its operational phase.<sup>7</sup> This will set out measures to ensure inclusive growth, the creation of secure and sustainable employment (“good jobs”), as well as local engagement and participation to enable residents and businesses to be supported in accessing opportunities arising from the project. The Plan will set out measurable objectives, progress against which can be reported on annually during the life of the project.
- 4.28 As previously noted, the need to protect and conserve the environment is required and must be weighed carefully in the planning balance. Policy MIN01 requires minerals developments to demonstrate that they do not have an unacceptable adverse impact upon a set of interests of acknowledged planning importance, which are considered further below, with reference to other Plan Strategy policies and the SPPS, as appropriate.

### **Natural Environment<sup>8</sup>**

- 4.29 An Ecological Impact Assessment (EclA) and Addendum has been prepared by SLR (ES and ES Appendix C8), along with an Ecological Mitigation and Management Plan (ES and ES Addendum Appendix C9), which can be conditioned. A replacement Shadow Habitat Regulations Assessment (sHRA) by Ecology Solutions is at ES Second Addendum Appendix C10. A replacement outline Construction Environmental Management Plan (CEMP) is at ES Addendum Appendix B2, a final version of which can be conditioned, and a replacement Peat Management Plan, which can be conditioned, is at ES Addendum Appendix B8. An Ecological Monitoring Plan (EMP) based upon Table 10.3 (Summary of Environmental Monitoring Programme) of ES Chapter 10 can be secured by condition. Other relevant assessments within the environmental information include water, noise, air quality, vibration, lighting, peat and landscape and visual.
- 4.30 The conclusions of the EclA take account of the extent to which impacts can be mitigated, managed and compensated for – see also Ecology TR6 Section 8.<sup>9</sup>

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<sup>7</sup> A draft structure and approach for this plan is appended to Economic Benefits TR5,

<sup>8</sup> See TR6 Ecology, TR7 Peat Management, TR8 Lighting, TR9 Surface Water, TR10 Groundwater, TR11 Noise, TR12 Air Quality.

<sup>9</sup> ES Addendum 4.2.11 confirms that the 2017 EclA findings are not materially changed.

#### **Internationally Important Sites**

- 4.31 The sHRA reports on a Test of Likely Significance (ToLS) on Natura 2000 Sites which concludes that since there may be Likely Significant Effects (LSE) on the Owenkillev River SAC, it is necessary to undertake an Appropriate Assessment in respect of each impact identified<sup>10</sup>. Having regard to the assessment within the EclA, the sHRA concludes that following Appropriate Assessment, and taking account of practical “in combination” effects, the project will have no direct or indirect adverse impacts on the Owenkillev River SAC or the hydrologically connected River Foyle and Tributaries SAC, Lough Foyle SPA, Lough Foyle Ramsar site and the River Finn SAC, provided the mitigation strategies proposed are fully implemented.
- 4.32 Construction related mitigation will be secured and delivered through the CEMP. In particular, strict controls will be implemented in respect of potential pollutants which could, through surface water run-off (for example) enter watercourses.
- 4.33 Thereafter the proposal includes water treatment infrastructure based around Reverse Osmosis (“RO”) technology which will treat the ‘mine/processing water’ and the effluent discharged from the proposed WwTW plant, ahead of discharge to the environment (watercourses). Water quality will be secured through the achievement of values/parameters set by discharge consents.
- 4.34 The applicant has put forward limit values which are considered fully protective of the aquatic environment and relevant species (including Fresh Water Pearl Mussel (FWPM) and Atlantic Salmon) – see the Discharge Consent SoC and paragraphs 1.403 to 1.420 of the Ecology TR for more details. The Ecology TR concludes that by providing a treatment system that is better than baseline for key parameters (para 1.512) , together with a Betterment Plan (TR6, Annex 13) linked to management of land under the applicant’s control which deliver an additional benefit in respect of nitrate inputs into the catchment (para 1.515), the proposal will not only deliver no harm to the environment, but positively contribute to moving feature conditions towards favourable condition against a background of current, and historic/long term, unfavourable condition. As a result, the project complies with Plan Strategy Policy NE01 without the need to engage the exceptional circumstances part of the policy.

#### **Nationally Important Sites**

- 4.35 The EclA assesses the impact of the project on nationally designated sites. It demonstrates that, following mitigation, there will be no adverse effects on the Owenkillev River ASSI, Owenreagh River ASSI or Drumlea and Mullan Woods ASSI. In complying with Plan Strategy Policy NE01 (a), there is no need to weigh the benefits of the proposed development under (b).

#### **European Protected Species & their Habitats**

- 4.36 The project involves the demolition, under license, of Pollan Rua cottage, which is a bat roost site. The EclA assesses the impact of the project on bats and their habitats – a European Species protected by law – concluding that, after mitigation, there will be a

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<sup>10</sup> Ecology TR6 sets out details of all relevant European designated/Ramsar sites and nationally designated sites (paras 1.54 to 1.61).



residual impact in respect of the probable direct loss of potential foraging habitat and commuting routes as a result of the construction of the new surface infrastructure site.

- 4.37 Notwithstanding the mitigation strategy, including the enhancement of foraging and commuting habitats for bats in parts of the proposed infrastructure site not impacted by construction activities, or through the operation of the mine (linked with the Landscape Plan), this impact is assessed as significant at a local (higher) level.
- 4.38 Policy NE02 of the Plan Strategy, which is framed in similar terms to the factors taken into account in licensing, states that development that is likely to harm a European Protected Species will not be permitted unless it can be demonstrated that:
- (a) there is no satisfactory alternative;*
- 4.39 There is no satisfactory alternative to the location of the DSF.
- (b) the development is required in the interest of public health or public safety, or for other imperative reasons of over-riding public interest, including those of a social and economic nature and beneficial consequences of primary importance to the environment;*
- 4.40 The over-riding reasons of public interest are in securing the economic benefits set out in TR5.
- (c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- 4.41 The Ecology TR6 confirms that the mitigation strategy for bats is designed to ensure the local population status of bat species is not adversely affected by the development of the mine.
- (d) mitigation and compensatory measures are agreed and their delivery secured.*
- 4.42 The mitigation and compensatory measures can be agreed with NED and their delivery secured through the EcMMP and the licensing regime.
- Other Protected Species & their Habitats**
- 4.43 The EclA assesses the impact of the project on National Species protected by law, including badgers, birds, common lizard and smooth newt. It demonstrates that, following mitigation, the project is not likely to harm any of these species and any impacts arising can be satisfactorily compensated for, in compliance with Plan Strategy Policy NE02.
- Other Habitats, Species or Features of Natural Heritage Importance**
- 4.44 The EclA concludes that the construction of the project will result in the direct loss of habitats likely to qualify as EU Annex I habitats including blanket bog and lowland heathland, as well as Northern Ireland Priority Habitat comprising: blanket bog; lowland heathland; ponds; purple moor-grass and rush pastures; and upland flushes,

fens and swamps. The majority of these habitats are associated with peatland – see Ecology TR6 Table 7 and Figures 2 and 3.

- 4.45 The Ecology TR6 summarises these residual impacts as:
- (i) The direct loss of 0.03 ha of flush habitat, which is significant at a local (higher) level and for which there is no mitigation or compensation possible to offset the loss of this habitat; and
  - (ii) The direct loss of 7.94 ha of valley mire habitat, which is significant at a County level and for which there is no mitigation or compensation possible to offset the loss of this habitat, like for like.
- 4.46 In addition, based on the EclA, the Ecology TR6 concludes that the direct loss of 1.68 km of stream habitat, as a result of construction of the project, will be significant as a local level, and for which there is no mitigation or compensation possible to offset the loss of this habitat, like for like. 975m of these are the headwaters of the Pollenroe Burn.
- 4.47 It is recognised that in the absence of mitigation and/or compensation, these impacts have the potential to be significant up to County level on the ecological resources at the proposed infrastructure site (Section 4.3 and 4.4 of the EclA). However, appropriate compensation will mitigate the impact on the overall ecological resources by reducing the severity of the impact as detailed in the Biodiversity Impact Assessment (BIA) presented in Chapter 7 of the EclA (ES Appendix C8 and FEI1 Appendix C9).
- 4.48 TR6 paragraphs 1.137 to 1.139 discuss the BIA. The BIA demonstrated that compensatory habitat creation / enhancement would be required outside the proposed infrastructure site to predominantly offset the loss of peatland habitats. The area of peatland habitat compensation (52.73ha) to the area of peatland habitat loss to the mine development (c.25.84ha) is at a ratio of approximately 2:1 clearly showing an overall net gain in terms of area (ha) for biodiversity.
- 4.49 The BIA currently shows a Habitat Impact Score (overall net gain for biodiversity in terms of habitats) of 86.01 biodiversity units. A separate linear habitat (e.g. ditches, streams and hedgerows) calculation is also included as part of the BIA. This shows a loss of 6.35 biodiversity units – see TR6 para 1.39 for a full explanation. An updated BIA calculation is at Annex 11 of Ecology TR6. It calculates that on completion of the mining operations the restoration of the site is anticipated to generate a net gain for biodiversity score of circa 241 units. This is achieved predominantly through the restoration of the dry stack facility.
- 4.50 The EcMMP sets out detailed proposals for mitigation/compensation and the enhancement of retained habitat. A final version of this management plan will be required through planning condition. The final version of the plan will also compensate for the loss of 33 sq m of bog and heath as a result of the NIEN powerline applications.
- 4.51 Under Policy NE03, the loss of priority habitats, and the upper stream habitats has to be weighed against the benefits of the development. In this case the benefits to the

economy are very substantial, as set out at paragraph 4.26 above and in Economic Benefit TR5, and of a scale that outweighs the habitat loss.

- 4.52 Having regard to the mitigation and compensation proposed, the ability to secure it and the scale of the benefits, the proposal accords with policies NE01 to NE03 and MIN01 because it will not have an unacceptable adverse impact on the natural environment.

### **Landscape & Visual Amenity; Tourism<sup>11</sup>**

- 4.53 MIN01 requires demonstration of no unacceptable adverse impact upon landscape and visual amenity.

- 4.54 MIN01 goes on to state:

*In considering a proposal for the extraction of valuable minerals including metalliferous minerals, where the site is within a designated area in the Local Development Plan, due weight will be given to the reason for the statutory zoning. There will be a presumption against all mineral development within designated Special Countryside Areas.*

- 4.55 A Landscape and Visual Impact Assessment (LVIA) has been prepared by LUC (ES at Chapter 8.2 and ES Appendix C16), revisited in ES Addendum 4.2.1 and ES Appendix C16 (FEI1) and updated in ES Second Addendum 3.2.1 and ES Appendix C16 (FEI2). Updated Landscape and Landscape Restoration Plans are at ES Second Addendum Appendix C17. A Conceptual Rehabilitation and Closure Plan is at ES Appendix B5. Planning conditions can be attached to control the colour of buildings, secure delivery of new planting, protection for retained trees and vegetation, effective landscape management, progressive restoration and an effective approach to decommissioning and its monitoring.
- 4.56 Regard has been had to the landscape and visual implications of the proposal in the site selection and project design. A key landscape and visual consideration in selection of the new surface infrastructure site was to avoid the Owenkillew Valley. A large proportion of the new surface infrastructure site on the Greencastle side of the Mullydoo/Crocknamoghil ridge does not display an upland character and is, instead, characterised by manmade influences of improved grassland and conifer plantations.
- 4.57 Lighting TR8 by Hoare Lee provides an overview of their Lighting Impact Assessment (LIA), undertaken on the project's updated lighting plans. The significance of the impact was assessed as negligible, including in respect of sky glow, an important consideration in respect of the OM Dark Sky Park and Observatory – a tourism asset. There will be no direct upward light from the proposed lighting and the indirect light caused by light being reflected is below the recommended minimum for an E1 Environmental Zone. Whilst the local character of the surface infrastructure itself will change; the impact is localised to the working areas. The delivery of the lighting as designed, can be secured by condition.

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<sup>11</sup> TR13 provides commentary on Landscape and Visual impact. TR8 provides commentary on lighting. TR14 Socio Economics considers Tourism.

- 4.58 It is a fact of geology that mineral resources can often be found in areas of high scenic value and environmental sensitivity, including within designated landscapes such as AONBs. The SPPS para 6.157 states that there will not be a presumption against the exploitation of valuable minerals in any area, with due weight given to the reason for any statutory zoning. As noted, above, Plan Strategy Policy MIN01 contains a similar statement on due weight being given to the reason for the statutory zoning. It is plainly a key consideration in exercising judgement on whether the adverse impact of a minerals developments is acceptable or unacceptable.
- 4.59 The LVIA concludes that the potential effect on viewpoints (1-5) and views to and from the Sperrin AONB will be significant negative (LV03). However, it also concludes that the landscape and visual effects which arise from the project will be concentrated within a very localised and relatively visually contained area of the Sperrin AONB, and the wider scenic qualities of the AONB will be largely unaffected by the presence of the development.<sup>12</sup>
- 4.60 In order to further explain the reasons for this conclusion, Section 10 of LUC's Landscape & Visual TR13 details the landscape and visual effects arising from the proposal, including effects on landscape character (having regard to Landscape Character Areas, LCAs), the Sperrin AONB, the SCAs, visual amenity and the skyline.
- 4.61 The central conclusion of both the LVIA and TR13 is the limited extent to which the proposals will affect the distinctive special character of the Sperrin AONB, including its landscape character, visual amenity, views and setting. Whilst there will be locally significant (major) impacts, these are limited by virtue of its spatial extent in the context of the size of the AONB<sup>13</sup> (118,206 hectares/292,093 acres), the quality of the character and visual amenity of the impacted area relative to that of higher distinctive and special character, the progressive restoration of the DSF and the future decommissioning of the project infrastructure.
- 4.62 In this context it is important to note that this part of the AONB is not designated as a Special Countryside Area<sup>14</sup>, an upland area of exceptional landscape with unique, pristine and unspoiled amenity value, where the quality of the landscape and unique amenity value is such that development should only be permitted in exceptional circumstances (SPPS, para 6.75). In contrast, the new surface infrastructure site is largely improved grassland with conifer belts in an area along the Crockanboy Road between Gortin and Greencastle which is acknowledged by the Council as one of the most suitable areas for development in this otherwise exposed, upland terrain (paragraphs 4.1.10 & 4.1.11 of the Plan Countryside Assessment).
- 4.63 The Council's various assessments confirm the difference in landscape character and sensitivity to change between the Owenkillew River Valley part of the South Sperrin

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<sup>12</sup> This conclusion is restated in ES Addendum 4.2.1.

<sup>13</sup> See mapping at Appendix 11.1 and 11.2.

<sup>14</sup> SCAs were introduced to NI Planning by PPS21 in June 2010 to protect exceptional landscapes (PPS21 para 4.4), including five pre-existing Countryside Policy Areas (CPAs) in Larne, Fermanagh, Banbridge and Newry & Mourne. The designation is carried through into the SPPS at para 6.75. SCAs are at the top of the hierarchy of landscape planning designations in NI.

Landscape Character Area (LCA) and the Crockanboy Road. This is consistent with Commissioner Boomer's assessment of the area in wind turbine planning appeal 2012/A0010 (Appendix 13). After describing the concentration of roadside development along the Crockanboy Road as 'considerable' (para 12), the Commissioner went on (para 14) to state that:

*"The most dominant feature in this landscape is the considerable concentration of roadside development along Crockanboy Road with several tiers apparent from the critical viewpoints identified which detract from any feeling of wilderness in this locality."*

4.64 It is also important to note that subject to important identified caveats, and notwithstanding the MIN01 presumption against all mineral development within SCAs, Plan Strategy Policy L02 allows for a proposal's national/regional importance to outweigh any potential detrimental impact.

4.65 it is, therefore, concluded that:

- (i) giving due weight to the reason for the AONB designation, the proposals will not significantly affect the integrity of the area as a whole or undermine the rationale for its designation; and
- (ii) the limitations on the landscape impact mean that it is not unacceptably adverse, in MIN01 terms.

#### **L01**

4.66 Plan Strategy Policy L01 applies to all development within the AONB. It does not introduce a moratorium on development within the AONB. On the contrary, It must be read subject to other policies which expressly permit development in the AONB if they are met applying a different policy test, including minerals development. Moreover, MIN01 expressly includes valuable minerals development with its specific direction to give due weight to the reason for the AONB.

4.67 LUC provide the following commentary in TR13 on considerations regarding effects on the Sperrin AONB (para 186):

*The landscape and visual impact assessment explains that there will be a significant effect on a small part of the AONB, and on limited views within it. The location of the proposed development is away from the main more elevated mountainous area of the AONB, with its distinctive special character of steep ridges and valleys, a wildness character and strong sense of tranquillity (these areas being further highlighted through the SCA designation which encompasses higher open undeveloped upland to the north east and south west of the site). The effects will occur in an area of lower lying farmland and tree belts, on a slope that faces south, away from the elevated mountainous area to the north. The effects will be reduced through the project design, using the progressive restoration of the DSF to help screen the development. The DSF will be sympathetically shaped and vegetated so that as it is restored it will blend back into the landscape, both progressively during construction and in the longer term, when it is restored post closure, and all infrastructure removed.*

- 4.68 There are two limbs to Policy L01 – (1) adversely affect or (2) work to erode distinctive special landscape character. Based upon the conclusions drawn in the LVIA and further explained in Landscape & Visual TR13, the proposals will have a limited impact upon the distinctive special landscape character of the AONB because of the localisation of the impacts. Adverse affects are spatially confined and away from the most pristine, highest quality part of the AONB. Works to erode are limited by the progressive restoration of the DSF. This is a mitigation method specifically endorsed in the clarification text for Policy MIN02 (para 4.85). In association with the careful approach to site selection there is clear evidence that the applicant has sought to minimise visual impact and provide appropriate mitigation measures to integrate (para 5.47). Similarly, it is a demonstration of the proposals seeking to protect, enhance and conserve the distinctive special character of the area to the fullest extent possible for a minerals development.
- 4.69 For these reasons, whilst there are acknowledged to be localised effects on the AONB, these have been minimised and will be the subject of sympathetic restoration proposals. Every effort has been made to minimise effects, which do not reach the threshold of unacceptably adverse in terms of MIN01; and under that policy the proposals will not undermine the integrity of or the rationale for the AONB designation. In these circumstances it cannot have determining weight because it does not sit within the suite of policies that are directed specifically at minerals development and gives way to the bespoke provisions of MIN01.

#### **DE Policies**

- 4.70 Policy DE03 – Sustaining Rural Communities – which classifies minerals development as permissible in principle in the countryside, also states that all proposals for development in the countryside must comply with Policies DE04, DE05 and DE06. Policies DE04 and DE05 are not drafted in contemplation of the minerals development. Their content and concern is more directly relevant to houses in the countryside. To the extent that their objectives and intent is relevant to minerals development, they must be met based upon the same set of considerations which support the conclusion of no unacceptable harm to landscape and visual amenity, under MIN01, set out above. DE06 is not engaged.

#### **TOU1**

- 4.71 Plan Strategy Policy TOU1 sets out a presumption against development that would have an adverse impact on the intrinsic character or quality of a tourism asset or any part thereof, or diminish its tourism value or part thereof. The Sperrin AONB is a tourism asset.
- 4.72 The ES concluded that the impact on the local tourist economy is not significant (impact SE06; ES section 8.13.8). This conclusion has not changed in the updated analysis of the potential impact upon the tourist industry set out in Quod's Social Economic Impact Technical Report 14.
- 4.73 Having regard to the foregoing analysis and that set out in more detail in TR13 about the limited extent to which the project will harm the distinctive special character of the AONB, including no significant effect upon the SCAs, and minor/no significant impacts on scenic routes and recreational walkers, the proposals will not have an adverse

impact upon its intrinsic character or quality as a tourism asset. Its tourism value, which must be a function of its attractiveness or interest to tourists, will not be diminished.

- 4.74 TR13 assesses potential impacts upon the Beaghmore Stone Circles and the Dark Sky Park centred on Davagh Forest and Observatory in Mid Ulster District Council (MUDC). The assessment in TR14 has been extended to include consideration of the OM Dark Sky Park and Observatory that has opened since the 2019 assessment in MUDC. Based upon these conclusions, the proposals will not have an adverse impact on these tourism assets such as to significantly compromise their value (PPS16, Policy TSM8).

### **Historic Environment<sup>15</sup>**

- 4.75 The ES provides an assessment of impacts on cultural heritage (including archaeology) in Chapter 8 and at Appendix C15. The ES assesses the potential for damage or loss of cultural heritage assets of local importance due to the construction of project infrastructure as not significant (Impact Ref CH01, ES Section 8.12.3). It demonstrates that the project will have no physical impact on any known cultural assets and sets out a mitigation strategy for the identification of previously unknown archaeological remains for which there is no surface expression. Conditions can be attached to secure a programme of archaeological work for approval and subsequent reporting.
- 4.76 Cultural Heritage TR15 considers the potential impact upon the Beaghmore Area of Significant Archaeological Interest (ASAI), which has been extended to the north east of the site, including land within the application site boundary which is not proposed for surface infrastructure development but falls within the area identified for potential underground exploration. The change to the extent of the ASAI makes no material change to the effects which were assessed in the original impact assessment. The project accords with Plan Strategy Policy HE01 and there will be no unacceptable impact on the historic environment for the purposes of MIN01.

### **Water Environment<sup>16</sup>**

- 4.77 There is significant overlap between the assessment and mitigation/management of impacts on the water environment and ecological/natural conservation impacts. As reported above, the project has been designed and will be operationally regulated to comply with Plan Strategy NE01 and SPPS policy on European and national level designated sites including the Owenkillew River SAC/ASSI and the Owenreagh River ASSI. This conclusion has been reached on the basis of the protective discharge limits proposed (see Discharge Consent SoC), project design including a Reverse Osmosis (RO) water treatment plant and mitigation plans including the proposed Plan Strategy Policy PU04 compliant approach to sewage treatment via a Package Sewage Treatment Plant, the design of the water infrastructure on site and the proposals for the construction phase of the project (ES Addendum Appendix B2 - Outline Construction Environmental Management Plan). In addition to the controls available through the DAERA regime,

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<sup>15</sup> Further commentary is provided in Cultural Heritage TR15.

<sup>16</sup> TR9 provides commentary on surface water. TR10 provides commentary on ground water.

planning conditions can be attached to secure robust controls on water management, surface water and groundwater monitoring and ongoing reviews via the SGEMAP.

- 4.78 Furthermore, as noted above, going beyond mitigation, a Betterment Plan (TR6, Annex 13) is proposed focused upon delivering improvements to water quality within the Owenkillew River SAC. The SAC is in unfavourable condition and it will continue to deteriorate. The Betterment Plan, involving the cessation of farming of land under the applicant's control, will deliver significant material improvement to the water environment by reducing discharges that otherwise would enter the water system from uncontrolled uses that would otherwise take place. As a result, it is linked to and impacts directly upon the proposed discharges from the project into the water system. It can be secured by condition and/or s76 agreement.
- 4.79 A Flood Risk and Drainage Assessment has been prepared in support of the planning application (ES Appendix B10). The assessment has been undertaken according to requirements of PPS15 (now Plan Strategy Policy FLD01 and the mine site areas (proposed and existing infrastructure sites) are not predicted to be at significant risk from fluvial, surface water, groundwater or other sources of flooding. The project is, therefore, assessed as policy compliant in respect of FLD01 and the SPPS.
- 4.80 Policy FLD03 states that all developments must, where practicable, include proposals for Sustainable Drainage Systems (SuDs). The proposals include attenuation SuDs consisting of underground attenuation storage tank systems. Further details are provided in the Appendix to Surface Water TR9 (see Table 4.11 and paragraph 4.2.3.3).
- 4.81 As noted above, the development of the mine infrastructure will result in direct loss of 975m of the headwaters of the Pollenroe Burn (and 705m of those of an undesignated watercourse). It will not be possible to mitigate against the direct loss of these headwater channels due to the proposed infrastructure design layout. The EclA classifies this impact as Significant at Local (Higher) level (ES Appendix C9, Table 16, p100) but it is compensated for.
- 4.82 There is no reasonable or practicable alternative to the modification of these watercourses given the project engineering design. Plan Strategy Policy FLD05 only permits the artificial modification of a watercourse in exceptional circumstances including (b) where culverting is required for engineering reasons to be unconnected with any development proposal. The placement of the DSF onto the headwaters is not directly analogous with culverting as normally understood but does involve modification of a watercourse insofar as their channels are affected. The proposal runs contrary this policy, but its concerns – flooding, visual amenity, landscape quality, ecological integrity and biodiversity – are each involved in the wider planning assessment in any event.
- 4.83 In the overall context of the site selection, project design, ecological compensation and water quality betterment proposals, the discord with Policy FLD05 does not fundamentally affect the overall conclusion that the proposals will not have an unacceptable adverse impact upon the natural or water environment in MIN01 terms.



## Public Safety, Human Health & Amenity<sup>17</sup>

- 4.84 The ES provided an assessment of impacts on amenity in respect of noise (Noise Impact Assessment; ES Appendix C18), dust (Air Quality Impact Assessment; ES Appendix C19) and vibration (Vibration Impact Assessment; ES Appendix C20), each of which is retained and read in conjunction with the corresponding Addenda in the equivalent Appendix of the ES Addendum<sup>18</sup> (ES Addendum Appendices C18, C19 and C20), with dust further revisited in the Second Addendum<sup>19</sup> (ES Second Addendum Appendix C19). Planning permissions in the locality have been monitored since 2017 to maintain awareness of new/potentially new receptors in the baseline and to maintain an evidence-base in respect of cumulative assessment. The planning history schedule at Appendix 14 picks up from the equivalent (Table 9.1) in Chapter 9 of the 2017 ES.
- 4.85 Noise and dust management plans can be secured by way of condition. Planning conditions can ensure construction and operations are undertaken within protective limits and that the processing building is appropriately insulated and ventilation fans are located underground and suitably attenuated. As a result, the Noise and Air Quality TRs maintain the conclusion that the proposed development will not result in a significant impact. The Vibration TR explains how blasting can also be controlled by condition to protect amenity and property. Vibration levels will be monitored and controls put in place to secure compliance.
- 4.86 Residential visual amenity is assessed and reported on in the LVIA (ES Appendix C16) and updated in the Second Addendum<sup>20</sup> (ES Second Addendum Appendix C16). The assessment identifies the 11 properties within Property Groups E and F, which will experience the greatest magnitude of change in their visual amenity. Having regard to the relevant guidance<sup>21</sup> the Landscape & Visual TR explains the judgements which were used to inform the conclusion that the residential visual amenity threshold – where nature or magnitude of change may potentially affect living conditions - has not been reached. The Hoare Lee LIA concludes that on the basis of the updated lighting design, which can be secured by condition, impacts are assessed as negligible and no light spill or glare will be experienced by receptors in residential locations south of the site.
- 4.87 The amenity impacts arising from transport related noise and air quality effects are reported on in the noise and air quality assessments. The potential for health impacts are reported on separately in the Health Impact Assessment at Appendix C14 of the ES and the Health Impact Assessment Addendum at ES Addendum Appendix C14.
- 4.88 The underground mining process is described in detail in Section 4.5 of Chapter 4 of the ES (see also Mine Design Parameters at Appendix B1 of the ES Addendum). The mining process selected involves mining at depth along narrow mineralised veins which dip away from surface and subsequent backfill to provide support in mined out areas.

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<sup>17</sup>TR8: Lighting, TR11: Noise, TR12: Air Quality, TR16: NORM & Radon, TR17: Subsidence, TR18: Seismicity, TR19: Health

<sup>18</sup> ES Addendum 4.2.6 and 4.2.7.

<sup>19</sup> ES Second Addendum 3.2.4.

<sup>20</sup> ES Second Addendum 3.2.1.

<sup>21</sup> Landscape Institute Technical Guidance Note 2/19.

- 4.89 The ES assesses the effects on the stability of surface lands in its consideration of subsidence (ES Addendum Appendix C21). The risk of subsidence above the mine workings is assessed as not significant (impact ref 5501, ES section 8.9.2).<sup>22</sup> The Subsidence TR establishes that the potential for damage is in the range negligible to very slight, with the latter not occurring near any buildings or infrastructure. The risk of mining induced seismicity (impact ref 5502, ES section 8.9.3) is assessed as not significant. It will rarely be felt outside the mine and has no potential to cause damage to buildings. The potential for enhancement of radon and NORM levels above background concentrations as a result of mine activities (impact ref RN01, ES section 8.10.1, ES Appendix C7; ES Addendum Appendix C7) is assessed as not significant.<sup>23</sup> The TR confirms that concentrations are very low and well below legal limits. The risk to members of the public from radon is negligible. NORM does not present a risk.
- 4.90 Policy on general amenity requirements is set out in Plan Strategy Policy DE01. Annex A of the SPPS is relevant to managing noise and improving air quality.
- 4.91 The ES's cumulative intra-project assessment<sup>24</sup> is that a group of residential receptors near the proposed infrastructure site will experience cumulative (visual, traffic, air quality, noise and vibration) impacts. After mitigation the only residual significant impact is in respect of visual amenity - the ES identifies significant, negative effects on views from selected residential property groups (E, F, H and J<sup>25</sup>) – impact reference LV04. The assessment finds that within property groups E and F, some visual receptors (people) will experience a high magnitude of change during operations<sup>26</sup>, whereas the magnitude of change at the further away property groups H and J, will be medium.

#### **Most Affected Properties in Property Group E**

- 4.92 The assessment noted that the seven properties noted above would all experience views of the proposed development in their secondary outlooks, i.e. views from the rear or side of the property, rather than the principal outlooks that face south over the Owenreagh Valley.
- 4.93 The assessment notes that the development of the DSF would be visible, above the skyline, but that the DSF itself would screen other project components from view. Considering the nature and scale of the DSF, the proximity of the properties (at least 300m from the DSF), and the fact that principal outlooks would be unaffected, it was concluded that visual effects would not be of such magnitude that they would affect the 'living conditions' at any property.
- 4.94 In terms of the proposed new dwelling south east of 216 Crockanboy Road (planning permission reference LA10/2022/1155/F), considering the nature of the likely views

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<sup>22</sup> ES Addendum 4.2.9 concludes that potential subsidence is very small. A condition can be attached to secure the project's micro seismic monitoring system.

<sup>23</sup> 4.2.10 of the ES Addendum confirms this remains unchanged.

<sup>24</sup> ES Section 9.7 & Table 9.8.

<sup>25</sup> LVIA Figure 6.7.

<sup>26</sup> Property Group E: 200, 204, 208, 212, 216, 216A, and 234 Crockanboy Road and the proposed new dwelling south east of 216 Crockanboy Road – planning reference LA10/2022/1155/F; Property Group F: 207, 225, 235 and 276 Crockanboy Road. See Appendix 11.4.

from the property and its curtilage, the scale and nature of the DSF (at a distance of approximately 310m from the property), and the fact that principal outlooks would be unaffected, it is concluded that whilst the magnitude of visual change would be 'high', the visual effects would not be of such magnitude that they would affect the 'living conditions' at this consented property.

**Most Affected Properties in Property Group F**

- 4.95 The assessment noted that the four properties noted above would experience views of the proposed development in their principal outlooks to the north-east, with potential for direct to oblique views of the project site partially screened by intervening vegetation. The assessment notes that the development of the DSF would be visible, above the skyline, but that the DSF itself would screen other project components from view during the latter part of the operational phase.
- 4.96 Considering the nature and scale of the DSF, the proximity of the properties (at least 500m from the DSF), and the partially screening offered by intervening vegetation, it was concluded that visual effects would not be of such magnitude that they would affect the 'living conditions' at any property.
- 4.97 On the basis that these impacts have been assessed as not reaching the residential amenity threshold, the predicted impacts are not unacceptable and the general amenity requirements of Policy DE01 are met.
- 4.98 The waste to be placed in DSF (or mine waste management facility) is not classified as hazardous. Dalradian is committed to the safe operation of the project in accordance with the Mine Waste Management Plan (MWMP) and the associated planning conditions. The Environmental Emergency Preparedness and Response Plan Protocol (EPRPP) included at Appendix D6 of FE11 can be conditioned.
- 4.99 The ES provides an assessment of the impacts to local community health based on a Health Impact Assessment (HIA) - ES Appendix C14 – and Addendum (ES Addendum Appendix C14. The ES assesses this impact as not significant (ES report section 8.14.1 – 8.14.7). The HIA investigates each of the health pathways associated with the construction and operation process of the project including Surface Water, Groundwater, NORM, Risk Perception and Animal Health.
- 4.100 On the basis that regulatory environmental standards for air quality, noise and vibration and transport set to protect the environment and human health are predicted to be achieved; the contribution to existing exceedances for surface water and groundwater quality is not considered significant while all other parameters remain compliant; and when considering the approach proposed to address community concerns, perceptions and priorities and the commitment for on-going community engagement, it is concluded that the proposal does not constitute a significant risk to local community health or quantify any adverse health outcome.
- 4.101 Once operational, the proposed development will result in direct, indirect and induced income and employment opportunities important to health and wellbeing.

- 4.102 The project will not have an unacceptable adverse impact upon public safety, human health and the amenity of people living or working nearby and so accords with Policy MIN01 and the relevant provisions of the SPPS.

### **Road Safety & Convenience<sup>27</sup>**

- 4.103 The ES provides an assessment of transport impacts based on the Transport Assessment at ES Appendix C22 and the Transport Assessment Addendum at ES Addendum Appendix C22, having regard to the Travel Plan at ES Appendix B4. The ES assesses the impact on the existing highway network during construction and operation as not significant (respectively Ref's TR01 and TR02 at ES report sections 8.5.3 and 8.5.4).<sup>28</sup>
- 4.104 Since the project has been designed to not compromise the safety or convenience of road users, and with the normal engineering and parking standards in mind, together with conditions which can be attached to secure safe access, the project is in accordance with the applicable policies and guidance set out in Plan Strategy Policies TR01 and TR04, the SPPS and DCAN 15.
- 4.105 The project involves the abandonment of a section of public road at Crockanboy Road. This is addressed in the Abandonment SoC. A planning condition can ensure the delivery of the proposed replacement road prior to the permanent closing up of the abandoned road.
- 4.106 The proposals will not have an unacceptable adverse impact on road safety and the convenience of road users in MIN01 terms.

### **Cumulative Effects**

- 4.107 Criterion (g) of MIN01 refers to assessment of cumulative effects of minerals proposals on interests of acknowledged planning importance a) to f). The inter-relationship of project impacts between the individual criteria have been considered, as demonstrated above. Insofar as it may require an awareness of other proposals in the area, planning applications in the vicinity of the project have been monitored since the planning application submission in 2017 and details shared with the EIA team to ensure assessment. Further information about these planning applications is at Appendix 14.

### **Area of Constraint on Mineral Development**

- 4.108 The Plan Strategy designates the entirety of the AONB as an Area of Constraint on Minerals Development (ACMD), despite the caution in the SPPS (paragraph 6.155) against over-designation and evidence provided in representations by Dalradian<sup>29</sup> and DfE<sup>30</sup> about the presence of valuable minerals within the AONB. The approach is also

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<sup>27</sup> TR20: Traffic

<sup>28</sup> 4.2.5 of the ES Addendum confirms this remains unchanged.

<sup>29</sup> [Microsoft Word - Representations to FODC Draft Plan Strategy Dalradian \(fermanaghomagh.com\); CRDPS006-Dalradian.pdf \(fermanaghomagh.com\)](#)

<sup>30</sup> [DPS248\\_DftE-Minerals.pdf \(fermanaghomagh.com\)](#)

difficult to reconcile with the future designation of Mineral Safeguarding Areas (MSAs) through the LPP, in accordance with Plan Strategy Policy MIN03.

4.109 As noted above, although the SPPS (para 6.157) says that there will not be a presumption against the exploitation of valuable minerals in any area, Plan Strategy Policy MIN01 sets out a presumption against minerals development within an ACMD unless one or more of criteria h) to l) can be met, in addition to a) to g).

4.110 Gold, silver and copper are identified by FODC as valuable minerals (para 4.73), therefore, on a plain reading of the list of criteria, the minimum threshold of meeting one additional criterion is met – criteria j) - and the and the presumption against mineral development in the ACMD does not apply.

### **15 Years**

4.111 It is possible to read this aspect of the policy in two ways:

- (i) Criterion l) is one of the five criteria h) to l) which must be met (in addition to criteria a) to g)) to allow the presumption against minerals development in an ACMD to be set aside. Therefore, since the project clearly meets criterion j), it is not necessary to comply with the 15 year limitation set in criterion l).

If this was the intention of the policy then the project satisfies the criteria notwithstanding its proposed +15 year lifespan, including construction and decommissioning.

or

- (ii) Notwithstanding its inclusion in the list of the five criteria, of which only one need be met, the 'and' at the end of k) and before l) means it is an additional requirement which must be satisfied by any development able to qualify for the exception by meeting one or more of criteria h) to k).

If this was the intention of the policy then the project does not meet the criteria for setting aside the presumption against mineral development within an ACMD.

If this was the intention of the policy, as might be presumed by reviewing the policy making process from draft Plan Strategy, through the representations and counter-representations and Commissioner's report on the Independent Examination, the policy would have been better drafted had it specified that one or more of criteria h) to k) need met, with l) more clearly an additional criterion to be satisfied.

4.112 It would be inappropriate to slavishly adhere to the 15 year criterion in this case for the reasons outlined below.

4.113 Paragraph 4.81 of the Policy Clarification is as follows:

*To minimise the impact of mineral development, the Council considers that only those proposals which are of short term duration – less than 15 years – should be permitted within an ACMD. This time limit will include the construction, operation, decommissioning and restoration of the site. However, if during the extraction phase, a mineral resource is found to be more extensive than originally indicated, the Council will consider a new planning application to extend the life of the quarry/mine. This will be subject to the policy criteria set out above including h) to l), and the provision of the necessary supporting evidence and environmental information. In such incidences, the use of progressive restoration measures will be the most appropriate means of mitigating the effects of mineral extraction.*

- 4.114 What paragraph 4.81 of the Plan Strategy is requiring is an entirely new planning application and not a review of planning conditions. In the particular circumstances of this application, such an approach is inappropriate for the following reasons.

**Lead-in time**

- 4.115 The 15 year period being inclusive of construction would disproportionately affect this project in comparison to the likes of a quarry extension under criterion h) as the Curraghinalt mining project has a two year lead in before operations commences, whereas an extension would be able to progress to operations with no construction phase. Similarly, the decommissioning and restoration phase of Curraghinalt, at two years<sup>31</sup>, would be much longer than a quarry extension. The impact of the consequential truncation of the operating phase would be of greater magnitude.

**Hiatus**

- 4.116 The duration of the planning process to date would suggest that there would be an extended break in production even if a new planning application was submitted as soon as construction commenced on the initial permission. With no certainty of the length of the associated hiatus, this would present obvious operational challenges, including workforce retention and would also unnecessarily pause and, more likely, unnecessarily truncate the socio-economic benefits of the project.

**+15 year resource already known**

- 4.117 Paragraph 4.81 says that an application for additional extraction can be submitted if the resource is found to be more extensive than originally indicated. That is not the case for Curraghinalt where the availability of more than 15 years of resource is already known and has been applied for in a planning process that predates the adoption of the Plan Strategy by a minimum of almost 10 years.

**Resource is safeguarded**

- 4.118 The need to protect these proven mineral reserves of particular value to the economy is in the public interest and has been accepted in planning terms by the DfI, Council and the PAC as evidenced by their policy compliant actions in safeguarding it.<sup>32</sup> The economic need for and value of this uncommon mineral is well established on a global basis.

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<sup>31</sup> TR4 p8.

<sup>32</sup> Planning Appeal 2014/A0261 (Appendix 15)

4.119 An arbitrary 15 year limit runs counter to planning policy recognising the particular value of this type of minerals to the economy and the safeguarding of access to them. Policy MIN03 commits to outlining the boundaries of Mineral Safeguarding Areas (MSAs) in the Local Policies Plan. As a mineral reserve/resource of economic importance, Dalradian have a legitimate expectation that Curraghinalt will be identified as an MSA, in which case it will be simultaneously constrained within the ACMD and safeguarded in the LDP.

**Proposed controls suitable for +15 years**

4.120 Environmental controls and mitigations to minimise impacts are sufficiently protective for the duration of development applied for. The proposals already include progressive restoration, as referred to in Plan Strategy para 4.81. As a modern mine, a framework of the most up to date controls can be attached to a planning permission and associated consents. Periodic reporting of monitoring of the mine waste facilities (DSF), and the required five yearly reviews of the Mine Waste Management Plan, as required under The Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland) 2015 will enable any necessary adjustments to be secured. Having gone through the Public Inquiry process, the mitigation measures associated with the project will have been subject to an exceptionally high level of scrutiny.

**Investment affected by uncertainty**

4.121 It undermines the investment case for the project by introducing unnecessary uncertainty. As articulated by DfE in its response dated 21 December 2018 to the draft Plan Strategy, there is no rationale or evidence base for the arbitrary 15 year limit and the high capital costs associated with the development of mines for high value metalliferous minerals make short life of mine unusual. Quod estimate the pre-production investment (construction) by Dalradian as £224.9m.

4.122 The Curraghinalt project is a rare project of exceptional value to the economy (SPPS para 6.157). Paragraph 6.163 of the SPPS sets out an 'on its merits' approach with the factors to be considered depending on the scale of the proposed minerals development and its local context. Considered on its merits, in the overall context of the FODC mineral strategy, whilst there is an inconsistency with the Plan in relation to its 15 year term, having due regard to the reasons why this is inappropriate and the economic importance of the exploitation of the valuable minerals, this should be afforded limited weight in the wider context of policy compliance and the benefits associated with the project which will be delivered in the longer term. This issue is considered further below.

**Restoration & Aftercare<sup>33</sup>**

4.123 Plan Strategy Policy MIN01 requires proposed details of restoration and aftercare of the site in accordance with Policy MIN02. Policy MIN02 requires all applications for mineral development to *'be accompanied by satisfactory proposals for:*

*a) the final restoration scheme and proposed future land use;*

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<sup>33</sup> TR4: Closure; TR21 Geochemistry

*b) timescales for completion of restoration including details of completion of individual phases of restoration where a progressive scheme is proposed;*

*c) aftercare arrangements once restoration is complete; and*

*d) site management arrangements including security during and after the process of restoration.*

*A restoration and aftercare bond or other financial provision will be required to ensure full restoration and reinstatement of the site should the developer fail to implement the previously agreed restoration plan. All materials used should be overburden and materials taken from within the site. The importation of materials to fill and restore sites will not normally be permitted.'*

4.124 Closure Plan TR4 provides details of the project's approach to closure, decommissioning and restoration.

#### ***Decommissioning Method Statement***

4.125 During the decommissioning phase the surface and underground machinery/ infrastructure will be removed permanently off site and the underground workings made secure. A Decommissioning Method Statement will be agreed with DfI prior to the decommissioning phase. Further details are set out in the Conceptual Rehabilitation and Closure Plan (ES Appendix B5). A planning condition can be attached ensuring that it is reviewed and updated periodically before implementation.

#### ***Restoration Masterplan***

4.126 The waste rock storage area at the Camcosy Road exploration site has already been restored. The proposals include the progressive restoration of the DSF. These proposals are illustrated as part of the overall Restoration Masterplan prepared by LUC with input from SLR, SRK and Dalradian (ES Second Addendum Appendix C17). This can be secured by condition, as can an annual restoration and decommissioning monitoring report to facilitate monitoring of compliance.

#### **Section 76 Agreement**

4.127 As noted above, it is anticipated that a Section 76 Planning Agreement will be required, in addition to planning conditions, to regulate the development (see draft HoT at Appendix 12).

#### **Financial Guarantee**

4.128 Regulation 8 of the Mine Waste Regulations<sup>34</sup> requires that there is a financial guarantee in place for the closure of the mine waste facility prior to commencement of mine waste management operations. Regulations 9(1)(e) and (f) require that the planning authority ensures that there are suitable arrangements in place for closure of the facility and Regulation 15 requires the planning authority to determine the

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<sup>34</sup> 5.1 The Planning (Management of Wastes from Extractive Industries) Regulations (Northern Ireland) 2015 came into effect on 1 April 2015. The Regulations transpose the EC Directive 2006/21/EC (the Mining Waste Directive). These regulations prohibit the grant of planning permission without prior approval of a Waste Management Plan by the relevant planning authority.



quantum and form of financial guarantee. A scheme to secure the provision of the Financial Guarantee can be delivered by way of condition.

- 4.129 An estimate of the costs of closure of the mine, including the mine waste disposal facilities, is given in Appendix A of the Conceptual Rehabilitation and Closure Plan (ES Appendix B5). TR 22 provides commentary on Mine Waste Management.
- 4.130 On this basis the project is considered to be in accordance with Policies MIN01 and MIN02, as the closure proposals are satisfactory, can sensibly be further refined in the period before closure and can be secured through the planning process, with appropriate financial provisions to ensure delivery.

### **Sustainability & Climate Change<sup>35</sup>**

- 4.131 The project has been designed to be as sustainable as possible in respect of the method of extraction proposed (underground), the measures to be in place to ensure protection of the natural environment, the approach to water use/discharge, transportation and waste management. Whilst not a requirement of MIN01, in July 2019, DGL committed to delivering the project as carbon neutral over the lifetime of the project (see ES Addendum Section 3). A Carbon Management Plan detailing how emissions will be minimised and residual Greenhouse Gas (GHG) offset can be secured by way of condition (see Carbon Neutrality TR3 paras 10.18-10.23).
- 4.132 The SPPS states that Sustainable Development does not prevent us from using and capitalising on our mineral resources (para 6.149). Dalradian is committed to the sustainable construction and operation of the project and ensuring a positive economic and social legacy. TR5 identifies the positive socio-economic benefits associated with job creation.

### **Conclusion on accordance with MIN01**

- 4.133 The key to the approach to assessing whether the proposals are in accordance with the LDP has been to consider the extent to which the project accords with Policy MIN01 of the plan as the principal 'topic' policy, working through other plan policies which may be of relevance to the interests of acknowledged importance set out in MIN01.
- 4.134 Overall, considered in the round, and taking into account the range of mitigation and compensation measures available, the proposals are judged to be in accordance with Policy MIN01; a policy to which determining weight should be given. However, as is the case when considering any planning application's accordance with a development plan, the exercise has identified some points of discord, with aspects of MIN01 itself and with other parts of the plan. This is not unexpected, as policies can pull in different directions.
- 4.135 The main residual points of discord are:

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<sup>35</sup> TR3: Carbon Neutrality.

- (i) The project's exceedance of the MIN01 15 year criterion – the reasons why it is inappropriate to comply with this limit are set out in paragraphs 4.113-4.119.
- (ii) The limited harm to the AONB in Policy L01 terms – the reasons why this does not constitute unacceptable harm in MIN01 terms are set out at paragraph 4.69.

4.136 These areas of discord are not judged to be of determining weight in the context of MIN01.

4.137 Before coming to an overall conclusion on accordance with the LDP, it is helpful to consider the strategic objectives of the plan, and Strategic Policy SP01.

### **Consideration of Strategic Objectives & Strategic Policy SP01**

4.138 Planning policy, as set out in the Plan Strategy (para 4.75, as per the SPPS para 6.152), recognises the economic importance and finite nature of minerals and is to support sustainable minerals development whilst safeguarding the environment. Policy, strategic and local, is to minimise and mitigate impacts on local communities, protect sensitive environmental assets, landscapes and heritage and ensure effective restoration.

4.139 Plan Strategy Strategic Policy SP01 – Furthering Sustainable Development aligns with the SPPS's guiding principle (para 3.8) that *'sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.'*

*The Council will permit development proposals which further sustainable development and promote measures to mitigate and adapt to climate change, and which have regard to the Local Development Plan and other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases, planning permission should be refused. SP01*

4.140 As discussed extensively above, Plan Strategy Policy MIN01, the overarching LDP minerals policy, sets a high test requiring demonstration of no unacceptable adverse impact on the well-established set of interests of acknowledged importance. Planning judgement is required on these important matters of the acceptability of impacts in the context of the overall balance to be struck between the need for development and the environment, having regard to the various social, economic and environmental factors. Paragraph 5.16 of the preamble to Plan Strategy Policy SP01, under the heading Sustainable Development, *"recognises the importance of promoting the three pillars of sustainable development and the need to exercise planning judgement in the relative weight to be given to these factors in decision making."*

4.141 The extent to which the project will help achieve the Plan Strategy's Strategic Objectives is material to the exercise of forming an overall judgement on accordance with the plan. The Plan's 18 objectives are aligned under the three sustainability themes of social, environmental and economic. Commentary is provided below.

**Table 4.1: Project Alignment with LDP Strategic Objectives**

| #                    | PS Objective  | Comment   |
|----------------------|---|---|
| <b>SOCIAL</b>        |   |   |
| 2                    | Protect and sustain the role of local towns and villages so that they act as local centres for shops and community services meeting the daily needs of their rural hinterlands.   | Shops in Greencastle and Gortin will benefit from increased footfall from the spending power of those employed by the project, increasing their vitality and viability and underpinning their role serving their communities.<br>No unacceptable adverse effect on community services, including schools and sports clubs; or places of worship.  |
| 3.                   | Provide for vibrant communities whilst protecting the countryside in which they live by accommodating sustainable development.  | Jobs, opportunities and skills will be provided.<br>Having regard to the location of the minerals and the best practice means of accessing & processing them, the site selection and design approach is as protective of the countryside as possible.   |
| 6.                   | Provide for environments that are safe, healthy and connected and which enhance opportunities for shared space for all.   | The project has been designed to be constructed, operated and decommissioned safely, will be highly regulated, monitored and carefully managed so as to not unacceptably adversely affect health and wellbeing.   |
| <b>ECONOMIC</b>      |   |   |
| 7.                   | Promote sustainable economic development and growth by facilitating the creation of 4,875 new jobs by 2030.....   | 350 'good' permanent jobs when operating. 7.2% of Council target in one project, with more indirectly.  |
| 8.                   | Promote inward investment, diversify the local economy, assist with economic regeneration and physical renewal, and help generate well paid employment opportunities and improve employability in the most deprived areas.  | Largest single investment in NI in recent years, of a scale rarely seen.<br>Establishing a new industry, with well paid jobs & supply chain benefits<br>Addressing challenges of underemployment, economic inactivity, poor skills levels & outmigration of young people.<br>Economic benefits strongly felt locally and will reach regional level re GDP, exports & trade deficit.   |
| 9.                   | Recognise and accommodate the micro business base including rural entrepreneurship, self-employment and home working.   | High levels of entrepreneurship in the sector, with opportunities for self-employment.  |
| 10.                  | Support the provision of an accessible, integrated, safe and sustainable transport network and locate development to improve accessibility by public transport, cycling and walking, help reduce car dependency and the impact of traffic on local communities and the environment.                           | The mine is proposed in a rural area given the location of the resource.<br>Access can be safely achieved & local roads have capacity to accommodate additional traffic.<br>Travel Plan will include car sharing policy.<br>Project design has been mindful of impact of traffic in the area, hence the DSF, rather than trucking off.  |
| 12.                  | Develop the Council area as a destination for quality leisure visits and sustainable tourism by enabling the provision of new, as well as enhancement of existing tourism infrastructure in appropriate locations.  | No material impact on AONB's appeal as a tourism asset/destination.   |
| <b>ENVIRONMENTAL</b> |   |   |
| 13.                  | Conserve, sustain and enhance the area's environmental qualities, local distinctiveness including special landscapes, and sites of environmental importance in terms of biodiversity, wildlife and habitats, local landscape character, townscape, traditional settlement patterns, and historic environment. | Most special landscapes avoided – SCA and most distinctive parts of AONB.<br>Localised impacts, not unacceptably adverse and, no prejudice to the integrity or rationale of the AONB.<br>Progressive restoration of DSF & closure plan with guarantee.<br>Protective of water quality – RO treatment plant.<br>Betterment Plan goes beyond mitigation – improvement of water quality in SAC.<br>Loss of peat and some headwaters but overall biodiversity net gain.<br>No impact on ASAI. |

| #                          | PS Objective   | Comment  |
|----------------------------|--|--|
| <b>ENVIRONMENTAL (ctd)</b> |  |  |
| 14.                        | Follow the principles of sustainability and high quality design standards in all developments to assist with meeting Climate Change targets and placemaking.   | Buildings sited and designed to be screened/integrated as far as possible and blend in.<br>Careful lighting design.<br>Carbon neutral commitment.  |
| 15.                        | Sustainably manage and safeguard, where appropriate, our natural resources including minerals and water, protecting the environment and public health, and providing sustainable services including effective and sustainable waste management to meet population needs. | Safeguarded valuable (and critical) minerals sustainably exploited – precision mining of veins, waste rock reduction via ore sorting, underground crushing, paste backfill, production of concentrate (not finished product), protective of air quality/noise etc.<br>Management plans for amenity issues. |
| 17.                        | Prevent inappropriate new development in areas known to be at risk of flooding or that may increase the flood risk elsewhere and put in place measures to assist in flood risk management.   | No increased flood risk downstream.  |
| 18.                        | Protect and enhance the local green infrastructure network such as open space and green wildlife corridors whilst contributing to the enhancement of community health and well-being.  | Public can use new road through site for recreation in future should they wish to do so.   |

4.142 Turning to Policy SP01, including the material considerations and interests of acknowledged planning importance, and having regard to the case by case approach to decision making required by the SPPS (para 6.163), in this case the need for the valuable and critical minerals, broadly assessed, is very clear and the value of the benefits to the economy are very substantial, if not unprecedented, particularly in an area characterised by net out-migration of younger people. The minerals can only be extracted from where they are found. That is within the designated AONB and the catchments of the Owenreagh and Owenkillew. Underground precision mining is proposed to minimise the environmental effects. The site for the new surface infrastructure was chosen because it is on the more developed, Greencastle side of the Mullydoo, Crocknamoghil, Crockanboy ridge and not within the more environmentally sensitive Owenkillew valley. There are relatively few houses in very close proximity to the new surface infrastructure site. The development is not incompatible with acceptable standards of amenity (SPPS para 6.159). As noted by the SPPS (para 6.150) there are limited opportunities for the consideration of alternative sites.

4.143 It is outside the pristine, unique and highly sensitive SCA part of the AONB. Here, minerals will be processed to a concentrate, not a finished product. There will be no use of cyanide and no smelting. As much waste rock as possible will be returned underground. Mine waste will be stored in a dry stack, not wet tailings facility. Only the concentrate will be trucked off site, reducing the potential impacts on communities and the environment, consistent with the 'proximity principle' of treating/disposing of waste as close as possible to where it is produced and justifying an exceptional approach in SPPS para 6.164 terms. The DSF does not break the skyline in key viewpoints, will be shaped into the landscape and progressively restored. It will also help screen the mine buildings as it develops. A state of the art reverse osmosis water treatment plant will ensure that mine water is treated to an appropriately protective standard for the watercourses and FWPM. The closure phase will see the decommissioning and removal of infrastructure.

- 4.144 The SPPS (para 6.148) confirms that the Government supports the responsible exploitation of minerals and that sustainable development does not prevent us from using and capitalising on our natural mineral resources (para 6.149). The role of the planning system is to address the challenges that arise from this type of significantly economically beneficial form of development (para 6.150). The construction, operation and decommissioning of the project will be overseen and regulated across Government. The conditions of the various permits, consents, licences and permissions necessary to deliver, maintain and close the project are protective of and will safeguard the environment and the wellbeing of local communities from unacceptable adverse effects. These are reliable protective measures for the purposes of SPPS para 6.165, which can be imposed having had due regard to the sensitivity of the water environment in particular and the precautionary principle (SPPS para 3.9).
- 4.145 Much of the higher ground across the ridge is covered with peat of varying thickness and quality, supporting blanket bog and wet heath habitats that are recognised as priority habitats in Northern Ireland and are also listed under Annex I of EU Habitats Directive. Whilst the project will result in peat removal/disturbance<sup>36</sup>, this will be managed and compensated for and overall there will be a biodiversity net gain, also taking into account the loss of part of the headwaters of the Pollenroe under the DSF, which are characterised as having low ecological value. In terms of Policy NE03, which requires a balancing of unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance, against the benefits of the development, the very substantial benefits clearly outweigh the habitat loss.
- 4.146 The landscape and visual effects which arise from the project will be concentrated within a localised and relatively visually contained area of and routes within the Sperrin AONB. In terms of Plan Strategy Policy L01, these impacts, will affect and work to erode landscape character and visual amenity within the immediate area, but as almost any development would, this must be expected in the case of a regionally significant mining project such as this.
- 4.147 In this context it is important to note:
- (i) the specific topic policy MIN01 test is no unacceptable adverse impact, acknowledging that some adverse impact is acceptable;
  - (ii) due regard has to be had to the reasons for the statutory AONB designation – in this case there will be no prejudice to the essential character of the AONB, compromise to the integrity of the AONB as a whole nor threat to the rationale for its designation - the proposal avoids key sites within the expansive AONB;
  - (iii) the Plan Strategy itself implies that some accommodation is needed when it states at paragraph 5.41 that the designation seeks to protect and enhance natural beauty whilst also recognising the needs of the local community and economy;

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<sup>36</sup> See TR7: Peat Management

- (iv) this goes to the minerals strategy which allows for the mining of valuable minerals in ACMDs and simultaneously sets out policy designed to safeguard their extraction.

4.148 The localised landscape and visual impacts weight, whilst adverse, are not unacceptable because the magnitude of these impact is limited by virtue of:

- (i) their spatial extent in the context of the very large size of the Sperrin AONB and the application's avoidance of the SCAs;
- (ii) the quality of the character and visual amenity of the impacted area which is dominated by a considerable concentration of roadside development along and above Crockanboy Road, relative to that of the higher, remote upland areas within the AONB which are more distinctive and representative of its special character;
- (iii) the progressive restoration of the DSF and the future decommissioning of the project infrastructure.

4.149 Neither strategic nor local policy contains a presumption against the extraction of valuable minerals in the AONB. The SPPS advises against LDPs over designating ACMDs. As a valuable minerals project the presumption against minerals development in the ACMD can be set aside.

4.150 Giving due weight to the reason for the AONB designation, the landscape and visual impacts are not unacceptably adverse and would not justify the refusal of planning permission when balanced against the significant weight which must be attached to the very substantial benefits which will accrue from the operation of the mine.

4.151 It is over thirty years since the Omagh Area Plan specifically acknowledged the presence of the resource and the potential for commercial mining. Taking into account the advanced knowledge of the extent of the resource, the protective approach to regulating the operation of the mine and the unnecessary pause to benefits and uncertainty for investment that a new open ended planning process would cause, the 15 year criterion of the Plan Strategy cannot reasonably be sustained.

#### **Overall conclusion on accordance with LDP**

4.152 Overall, for the reasons set out above, it is concluded that the application is in accordance with the overall LDP. This conclusion has been reached using planning judgement and weighing material considerations in the context of the LDP policy matrix, particularly MIN01 and SP01.

4.153 For the avoidance of doubt, such is the scale of the very substantial economic benefits, set against the limited harm identified, a different approach where the benefits were weighed against a conclusion that the application was not in accordance with the plan, would have yielded the same overall conclusion that planning permission should be granted.

## 5. Summary & Conclusions

- 5.1 Minerals are important natural resources that are essential to support sustainable economic growth and quality of life. By their nature, they can only be extracted where they occur. As they are finite resources, it is important to make best use of them and to secure their long-term availability. 'Sustainable development' does not prevent us from using and capitalising on such resources.
- 5.2 From time to time minerals may be discovered which are particularly valuable to the economy. Exploration activity of the Curraghinalt deposit commenced in 1983. The potential for commercial mining in the area was recognised in the Omagh Area Plan adopted in 1992. The polymetallic mineral deposit includes high grade gold, silver and large quantities of copper. In addition to these valuable minerals, the ore body also includes tellurium, which is recognised as a critical mineral by the UK government.
- 5.3 The responsible, regulated exploitation of the safeguarded valuable mineral resource at Curraghinalt will bring very substantial economic benefits to Northern Ireland, with investment on a scale rarely seen in the region, and because of this scale, it will be strongly felt locally and make a large and lasting contribution to the aspirations of both the NI Assembly and local government.
- 5.4 It will bring private sector led rural growth, rebalance the economy, create jobs, support skills development and increase NI's international exports. It will help to combat some of the key economic challenges faced by the local and NI Regional economy: underemployment and economic inactivity, relatively poor skill levels and outmigration of young people. Truncating the longevity of these benefits would be inappropriate and unnecessary.
- 5.5 Strategic Planning policy seeks to facilitate sustainable minerals development which, like this, is economically beneficial, whilst safeguarding interest of acknowledged planning importance, including communities and the environment. The policies of the mineral strategy of Fermanagh & Omagh District Council's Plan Strategy provide a local expression of this strategic policy.
- 5.6 The Curraghinalt project has been designed as a modern mine, with these interests in mind, from the outset when selecting a surface infrastructure site away from the most sensitive parts of the AONB and since. The extensive environmental information for the application provides a comprehensive analysis of the likely significant environmental effects and the range of mitigation and management measures to address and minimise these as far as possible, consistent with applicable standards of application and regulation. Where it is not possible to mitigate, the approach has been to compensate and the proposals also go beyond this to betterment.
- 5.7 These measures include:
  - progressive restoration of the DSF, decommissioning and a financial guarantee for closure;

- a state of the art reverse osmosis water treatment plant to ensure that mine water is treated to an appropriately protective standard for the important nature conservation designated sites and their qualifying features, including FWPM and Atlantic Salmon;
- a betterment plan, involving the cessation of farming of land under the applicant's control, to deliver significant material improvement to the water environment baseline by reducing discharges that otherwise would enter the water system from uncontrolled uses;
- a wide-ranging ecological management and mitigation plan designed to protect species and habitats, including compensation for loss of peatland and other habitat that cannot be avoided;
- a suite of plans to protect the community against amenity issues arising from dust, noise and vibration;
- a commitment to carbon neutrality.

5.8 The LVIA concludes that landscape and visual effects which arise from the project will be concentrated within a localised and relatively visually contained area of the Sperrin AONB and the wider scenic qualities of the AONB will be largely unaffected by the presence of the development, including the DSF. This part of the AONB is not within the Special Countryside Area (SCA). The landscape and visual impacts are not unacceptable, even in the Sperrin AONB, the integrity of which will not be undermined by the proposals, because of its scale and the project's avoidance of its highest value, most distinctive and defining parts. The impacts on some of the closest residential properties is not unacceptably adverse, principally because of the separation distance and their orientation.

5.9 Over thirty years ago the Omagh Area Plan specifically acknowledged the presence of the resource and the potential for commercial gold mining, in the context of the requisite planning balance. The Council's new Plan Strategy supports the principle of valuable minerals extraction within the AONB subject to demonstrating no unacceptable adverse impacts on interests of acknowledged importance, as is the case with this project.

5.10 Having clearly defined the limited localised residual impacts of the project, taking account of the very substantial benefits, the range of mitigation, compensation and betterment measures planned and the availability of a comprehensive range of controls and environmental parameters across multiple consenting regimes that are protective of the environment and communities, it is concluded that, overall, the project is in accordance with the LDP.

5.11 The Curraghinalt Project presents an opportunity to establish a new mining industry in Northern Ireland. It is respectfully requested that planning permission should be granted following due process and with appropriate planning conditions and obligations in place alongside separate regulatory safeguards.



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